

**Enrolled Minutes of the Fourth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Meeting
Monday, February 08, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, February 08, 2016 at 6:47 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Redevelopment Director and the Town Council discussed the status of the Engineering evaluation of the condition of the Town Theatre.

The study session ended at 7:01 O'clock p.m.

Regular meeting. The Twenty Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 08, 2016 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dan Vassar reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper. Councilor Steve Wagner was absent owing to a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; John M. Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; Cecile Petro, Redevelopment Director; and Kenneth J. Mika, Building Commissioner, were present.

Also present: Randy Bowman, Assistant Inspector for Electrical Code; Susan Murovic, Advisory Board of Zoning Appeals and Ed Dabrowski IT Director (Contract) were also present.

Additionally present: John Terpstra, Attorney at Law; Mr. Joseph Hoobyar; Phil Latchford, CFO of SVT, LLC; and Mark Fleishman of Safety Training, Inc., were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 25 January 2016 and the Special Meeting of 01 February 2016 were approved by general consent.

Special Orders:

1. Public Hearing: Proposed Additional Appropriations in Excess of the 2016 Budget for the Special Public Safety Fund, General Improvement Fund, and the Municipal Cumulative Street Fund.

- (a) Attorney verification of Proofs of Publication: The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1. (The TIMES 28 Jan 2016.)
- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no public comments. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2016-09:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Special Public Safety Fund, General Improvement Fund, and the Municipal Cumulative Street Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration of Enactment No. 2016-09 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption of Enactment No. 2016-09 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2016-09**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PUBLIC SAFETY INCOME TAX FUND, GENERAL IMPROVEMENT FUND AND THE MUNICIPAL CUMULATIVE STREET FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Public Safety Income Tax, General Improvement and the Municipal Cumulative Street Funds;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Public Safety Income Tax Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PUBLIC SAFETY INCOME TAX FUND	
Acct. No. 4XX.XX Police & Fire Radios:	\$ 36,000.00
Total Series:	\$ 36,000.00
Fund Total:	\$ 36,000.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Acct. No. 3XX.XX Record/Releasing Liens:		\$ 5,000.00
	<i>Total Series:</i>	\$ 5,000.00
	Fund Total:	\$ 5,000.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND		
Acct. No. 4XX.XX Sidewalks:		\$25,000.00
	<i>Total Series:</i>	\$25,000.00
	Fund Total:	\$25,000.00

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 8th Day of February 2016. Consideration on the same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 8th Day of February 2016, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

Staff Reports: The following staff reports were received and filed.

• **Building & Inspection Report for January 2016**

Permit Type	Number	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:		0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	7	0	7	\$302,477.00	\$4,042.50
Signs:	2	0	2	\$11,830.00	\$619.00
Single Family:	1	1	0	\$240,000.00	\$2,872.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	25	25	0	\$174,102.00	\$3,523.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	0	0	0	\$0.00	\$0.00
Fences:	4	4	0	\$18,927.00	\$468.00
Swimming Pools:	0	0	0	\$0.00	\$0.00
DrainTile/ Waterproofing:	3	3	0	\$27,357.00	\$494.00
Miscellaneous	1	1	0		\$91.50

TOTAL:	43	34	9	\$774,693.00	\$12,110.00
Electrical Permits	22	17	5		\$1,942.00
Mechanical Permits	12	11	1		\$930.00
Plumbing Permits	9	8	1		\$1,320.50
Water Meters	7	6	1		\$1,620.00
Water Taps	2	2	0		\$400.00
Sewer/Storm Taps	4	4	0		\$1,200.00
TOTAL Plumbing:	22	20	2		\$4,540.50

January Code Enforcement:

Investigations: 169
Citations: 51

January Inspections:

Building: 18 Electrical: 27 Plumbing: 8 HVAC: 11
Electrical Exams: 3

• **Fire Department Report for January 2016**

To be filed at a future meeting.

• **Fire Department Report for December 2015**

	Month	2nd half of year
General Alarms	5	61
Still Alarms	8	35
Paid still alarms	24	94
Total:	37	

• **Workplace Safety Report for January 2016**

There were no incidents to report for January. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2016	Total in 2015	Restricted Days 2016	Lost Workdays This Year (2016)	Restricted Days Last Year (2015)	Lost Workdays Last Year (2015)
Parks	0	0	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	0	1	0	0	0	0
Street	0	0	2	0	0	0	0
Water & Sewer	0	0	4	0	0	5	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	0	0	9	0	0	5	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

• **Workplace Safety Report for December 2015**

There was one incident to report for December involving the Clerk-Treasurer Office. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2015	Total in 2014	Restricted Days 2015	Lost Workdays This Year (2015)	Restricted Days Last Year (2014)	Lost Workdays Last Year (2014)
Parks	0	1	1	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	1	2	0	0	0	1
Street	0	2	2	0	0	0	0
Water & Sewer	0	4	7	5	0	170	56
Maint.	0	0	3	0	0	35	47
Other	1	1	1	0	0	0	0
TOTALS	1	9	16	5	0	205	104

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

- **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)

(Appointments have been placed on agenda in case there is readiness to act)

1. **Municipal Plan Commission** (1) appointment to be made by Town Council President. (Note: Formerly held by the late Jim DeGraaf (D)) The Town Council President announced his appointment of **Mark S. Kendra, DDS, (D)**, XXXX Lakeside Drive, Highland, Indiana.
2. **Advisory Board of Zoning Appeals** (1) appointment to be made by Town Council President. (Note: Currently a vacancy of late Jim DeGraaf must be from the Plan Commission) The Town Council President announced his appointment of **Joseph Grzymiski**, 3110 Farmer Drive, Highland, Indiana. Mr. Grzymiski is an employee of the Fire Department and serves as a legislative appointment on the Plan Commission.
3. **Redevelopment Commission** (3) appointments to be made by Town Council President. (Note: currently held by Kathy DeGuilio-Fox, Rachel Delaney, and Dominic Noce)

The Town Council President announced his appointments of **Mr. William Leep**, 8407 Cottage Grove Place, Highland; **Mr. Edward Dabrowski**, 3636 38th Street, Highland; and **Bernie Zemen (himself)**, 2736 43rd Street, Highland to the Highland Redevelopment Commission.

4. **Board of Sanitary Commissioners: (1)** appointment to be made by Town Council President. (Note: Vacancy/unexpired term of Mark Knesek, who resigned). Current composition is three Republicans, one Democrat and one vacancy. Current law provides no more than three of any one party.

The Town Council President announced his appointment of **Mr. Jay D. Shelton (D)**, 10132 Idlewild Lane, Highland, Indiana to fulfill the unexpired term of Mr. Mark Knesek on the Board of Sanitary Commissioners.

Legislative Appointments

1. **Municipal Plan Commission** (3) appointments to be made by Town Council. (Note: Appointee may be elected or appointed officials or employees of the Town.

*Currently no vacancies. **No action necessary** as incumbents continue to serve unless the legislative body acts to change. Currently serving: Bernie Zemen (Elected Official); **Konnie Kuiper** (Elected Official); Joseph Grzymski (employee))*

Councilor Kuiper indicated his desire to resign from the Plan Commission.

Councilor Vassar moved, seconded by Councilor Kuiper the appointment of **G. Douglas Turich**, 9336 – 4th Place, Highland, who is an employee of the Highland Fire Department, to the municipal Plan Commission. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Turich was appointed.

2. **Redevelopment Commission** (2) appointments to be made by Town Council.
(Note: currently held by James D. Kessler and Greg Kuzmar)

Councilor Vassar moved the re-appointment of **Greg Kuzmar**, 3139 Lakeside Drive, Highland to the Redevelopment Commission. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and one negative vote. With Councilors Vassar, Kuiper and Zemen voting in the affirmative and Councilor Herak voting in the negative, the motion passed. Greg Kuzmar was re-appointed.

Councilor Herak moved the re-appointment of **Kathy DeGuilio-Fox**, 8839 Highland Street, Highland to the Redevelopment Commission. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Kathy DeGuilio-Fox was re-appointed.

Unfinished Business and General Orders:

1. **Works Board Order No. 2016-05:** An Order Finding And Determining Certain Personal Property Of The Municipality As No Longer Needed For The Purposes For Which Originally Acquired Or Have Been Left In The Custody Of An Officer Or Employee Of The Town Of Highland And Have Remained Unclaimed For More Than One (1) Year or Have Been Deemed Worthless and of No Market Value, And Further Authorizing And Approving Disposal Or Transfer Of Said Property.

Councilor Herak moved the passage and adoption of Works Board Order No. 2016-05. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

THE TOWN of HIGHLAND BOARD of WORKS ORDER NO. 2016-05

AN ORDER FINDING And DETERMINING CERTAIN PERSONAL PROPERTY OF THE MUNICIPALITY AS NO LONGER NEEDED FOR THE PURPOSES FOR WHICH ORIGINALLY ACQUIRED OR HAVE BEEN LEFT IN THE CUSTODY OF AN OFFICER OR EMPLOYEE OF THE TOWN OF HIGHLAND AND HAVE REMAINED UNCLAIMED FOR MORE THAN ONE (1) YEAR OR HAVE BEEN DEEMED WORTHLESS AND OF NO MARKET VALUE, AND FURTHER AUTHORIZING AND APPROVING DISPOSAL OR TRANSFER OF SAID PROPERTY

WHEREAS, The Town Council for the Town of Highland is the Works Board of the Municipality pursuant to IC 36-1-2-24(3) and

WHEREAS, The Town Council has been advised by the Metropolitan Police Department that several items of personal property particularly, several computers whose warranties have expired, all owned by the municipality are no longer needed for the purposes for which it was originally acquired, pursuant to IC 5-22-22; and

WHEREAS, The Metropolitan Police Chief has recommended that disposal of the personal property be authorized, all pursuant to the provisions of IC 5-22-22 et seq.;

WHEREAS, The Metropolitan Police Chief has further recommended that disposal of the personal property be executed by using an internet site, all pursuant to the provisions of IC 5-22-22-4.5; and

WHEREAS The Town Council now desires to favor the recommendation and take those steps necessary to authorize and approve a disposal of personal property of the municipality pursuant to the applicable law,

NOW, THEREFORE, BE IT ORDERED by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council of the Town of Highland acting as the works board, hereby finds and determines the following:

(A) That there are certain articles of personal property possessed or owned by the municipality, that are no longer needed, unfit for the purposes for which they were acquired, pursuant to IC 5-22-22-3; or,

(B) That there are certain articles of personal property possessed or owned by the municipality, that have been left in the custody of an officer or employee of the Town of Highland and have remained unclaimed for more than one (1) year, pursuant to IC 5-22-22-3; or,

(C) That there are certain articles of personal property possessed or owned by the municipality, that may be deemed worthless or no market value as the estimated costs the sale and transportation of the property exceed the property value, pursuant to IC 5-22-22-8;

(D) That they these items of personal property are more particularly described in an **exhibit** attached to and incorporated in this works board order;

(E) That the value of any single item of personal property is less than one thousand dollars (\$1,000), **and** that all the items of personal property together are less than \$5,000, all pursuant to IC 5-22-22;

Section 2. That the Metropolitan Police Chief is hereby authorized and instructed to cause a lawful disposal or transfer of the personal property identified in this Works Board Order by internet sale pursuant to IC 5-22-22-4.5 including the following:

(A) **The internet site used is approved by the office of technology established by IC 4-13.1-2-1; and**

(B) **The internet site used is linked to the electronic gateway administered under IC 4-13.1-2-2(a)(5) by the office of technology; and**

(C) **There be included a detailed description of the surplus property to be sold;**

Section 3. That in addition to the notice provided by the internet site, notice of the sale be given by publication of the time, place, and terms of the sale as provided in IC 5-3-1 at least 15 days before the date of the sale, all pursuant to IC 5-22-22-11;

Section 4. That any and all proceeds yielded from the lawful disposal or transfer authorized by this order shall be deposited with the Office of the Clerk-Treasurer, where such proceeds shall be deposited to the credit of the proper fund.

BE IT SO ORDERED.

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 8th day of February 2016 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

Exhibit of Personal Property for Disposal

	Description of Item	Estimated Value of Item	Direction for Deposit of Proceeds		
			Police Pension Fund	Corporation General Fund	Federal Forfeiture and Seized Assets Fund
INDIVIDUAL					
1	Plastic Mary Statute Reference: 14-9		X		
2	HP Office Jet 7310 Reference:			X	
3	Canon Laser Class 2050-P Reference:			X	
4	HP Office Jet 4100 Reference:			X	
5	IBM Typewriter Brown Reference:			X	
6	Signature 2000 13" TV Reference:			X	
7	Oster Toaster Oven Reference:			X	
8	Hard Drive Reference:			X	
9	Traffic Books (3) Reference:			X	
10	Bosch Radio workoutlet Reference:		X		
11	Worth Baseball bat Reference:		X		
12	HP Paper 1-C6019B Reference:			X	
13	HP Paper 1-C6029C Reference:			X	
14	Crime Watch Signs (2) Reference:			X	
15	Infant Car Seat adapter Reference:		X		
16	Package of Screwdrivers Reference:		X		
17	Yellow Tool box with Tools Reference:		X		
18	Black N Decker Electric Mower Reference:		X		
19	KODAK EKTA Traffic 220 Reference:			X	
20	Bell & Howell Projector Reference: HPD 242			X	
21	Dell Computer Towers (14) Reference:			X	
22	Camera MVC-FD 200 Reference:			X	
23	Tough Book Laptops (10) Reference:			X	
24	Toshiba Laptop Reference:			X	
25	HP Laserjet 62 Reference:			X	

END of EXHIBIT

2. Works Board Order No. 2016-06: An Order Authorizing and Approving An agreement between CGI Communications, Incorporated and the Town of Highland to Provide Professional Community Promotional Video Content Services For the Municipality for On-line and Website Distribution for the Municipality

Councilor Vassar moved the passage and adoption of Works Board Order No. 2016-06. Councilor Herak seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2016-06**

An Order Authorizing and Approving An agreement between CGI Communications, Incorporated and the Town of Highland to Provide Professional Community Promotional Video Content Services For the Municipality for On-line and Website Distribution for the Municipality

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide promotional information regarding the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional services to provide additional video content for online and website distribution or publication regarding Highland's positive economic and community ecology ; and

Whereas, CGI Communications, Inc., community promotional content provider, has consented to provide professional services to provide additional video content for online and website distribution or publication regarding Highland's positive economic and community ecology; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code; and

Whereas, There are no fees or charges directly levied upon the Town of Highland for the use of these services; and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described,

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the agreement presented by CGI Communications, Inc., to provide professional services to provide video content for online and website distribution or publication regarding Highland's positive economic and community ecology, more particularly described by a bulleted list in the agreement, is hereby approved and adopted in all respects;

Section 2. That the terms under the agreement for the services, which is set forth the general and particular service elements for a 2016 Community Video Program without direct charges or fees are found to be reasonable, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the Municipal Code;

Section 3. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of February 2016 having passed by a vote of 4 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

3. Action of the Town Council President as appointing authority to consider approval of an Annual Conflict of Interest Disclosure Statement filed by **Christine Cash**, who is a Hotel Manager in Lake County. Ms. Cash is also Highland's appointment to the Lake County Convention and Visitors' Bureau Board of Directors. This filing is pursuant to IC 35-44.1-1-4.

- (a) Town Council President as Executive to act, pursuant to IC 35-44.1-1-4(d)(7). Council President Zemen indicated that he was approving the *Uniform Conflict of Interest Disclosure Statement* as filed by Christine Cash. The Town Council President evidenced his approval with his signature on the Statement

- (b) Town Council as the governing body of the governing entity to act to accept the disclosure form, if desired, pursuant to IC 35-44.1-1-4(d)(5).

Councilor Herak moved to approve the filing by Christine Cash. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Uniform Conflict of Interest Disclosure Statement filed by Christine Cash was approved.

4. **Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations** in the amount of \$124,900 in the Gaming Revenue Sharing Fund; in the Park Non-Reverting Capital Fund in the amount of \$150,000 for the Interlocal Cooperation Agreement Bike Trail Signage Compliance Project; and in the Municipal Cumulative Capital Development Fund in the amount of in the amount of \$93,484.

Councilor Herak moved to approve the proper officer to publish legal notice of a public hearing to consider additional appropriations as indicated, with the hearing to take place at the Town Council meeting of February 22, 2016. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The publication was authorized.

5. **Selection or renewal of Group Dental Plan.** Current provider, United Health Care (UHC) rates are proposed for renewal at Employee only at \$37.04 and for Employee and dependents at \$107.53 per month; The current rates are the same. The proposed rates from United Health care represent a 0% increase over the 2015 rates. That is a rate hold. If approved, Brown Insurance Group would be agent of record. In addition, renewal is currently March 1, 2016.

Councilor Vassar moved that the Group Dental Plan with United Health Care be renewed as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Group Dental Plan with United Health Care was renewed as indicated.

6. **Renewal for the Workers Compensation Plan**, effective February 1, 2016, with Indiana Public Employers Plan (IPEP) as presented by Brown Insurance Group. *The proposed premium or "contribution" is estimated to be \$106,130. This represents an increase of 15% over the previous year after the premium modification. This is due to previously underestimated covered payrolls and has been discussed since 2014.*

Councilor Vassar moved that the Workers Compensation Plan with Indiana Public Employers Plan (IPEP) be renewed as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Workers Compensation Plan with Indiana Public Employers Plan (IPEP) was renewed as indicated.

7. **Consideration of the Compliance with the Statement of Benefits as filed and represented by High RE 3940, LLC d.b.a., Culver's 3950 Ridge Road, Highland.** *At its meeting of January 30, 2012, the Highland Town Council approved this application for property tax abatement upon the increase in assessed value in consequence of construction of a new building a Culver's Restaurant 3940 and 3950 Ridge Road, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the second review of compliance for this property. The Town Council conducted its first review at its meeting of March 9, 2015. The Town Council found the applicant in compliance at that meeting.*

John F. Terpstra, Esq., representing Culver's was present. He summarized the compliance statistics indicating that Culver's had exceeded the requirements from the application.

The Redevelopment Director recommended that Culver's be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area.

Councilor Kuiper moved, seconded by Councilor Vassar that Culver's be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

8. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Baldi-Hoobyar Equities Indiana LLC d.b.a., Highland Volkswagen, 9601 Indianapolis Boulevard, Highland.** *At its meeting of October 10, 2012 and confirmed at its meeting of December 10, 2012, the Highland Town Council approved this application for property tax abatement upon the increase in assessed value in consequence of construction of a new building a Volkswagen Retail Dealership, 9601,9553 and 9545 Indianapolis Boulevard, Highland, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the second review of compliance for this property. The Town Council conducted its first review at its meeting of March 9, 2015. The Town Council found the applicant in compliance at that meeting.*

Joseph Hoobyar representing Highland Volkswagen was present. He summarized the compliance statistics indicating that Highland Volkswagen had complied with the requirements from the application.

The Redevelopment Director recommended that Highland Volkswagen be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area.

Councilor Vassar moved, seconded by Councilor Kuiper that Highland Volkswagen be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

9. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Reliable Parts (formerly Bell Parts Supply, Inc.), 2609 45th Avenue, Highland.** *At its meeting of April 28, 2008, the Highland Town Council approved Bell Parts Supply's application for property tax abatement upon the increase in assessed value in consequence of construction of a new building addition and façade improvements at 2609 Forty Fifth Street, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the sixth review of compliance for this property. The Town Council conducted its first review at its meeting of February 28, 2011, its second at its meeting of February 27, 2012, its third on February 25, 2013, its fourth on February 10, 2014 and its fifth on April 13, 2015. The Town Council found the applicant in compliance at each meeting.*

The Redevelopment Director recommended that Reliable Parts (formerly Bell Parts Supply) be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area.

Councilor Vassar moved, seconded by Councilor Kuiper that Reliable Parts (formerly Bell Parts Supply) be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

10. **Consideration of the Compliance with the Statement of Benefits as filed and represented by SVT, LLC., 2244-45th Avenue, Highland.** *At its meeting of March 26, 2012, the Highland Town Council approved this application for property tax abatement upon the increase in assessed value in consequence of construction of a new building SVT, LLC Headquarters, 2244 45th Avenue, Highland, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the second review of compliance for this property. The Town Council conducted its first review at its meeting of April 13, 2015. The Town Council found the applicant in compliance at that meeting.*

Phil Latchford, CFO, representing SVT, LLC was present. He summarized the compliance statistics indicating that SVT, LLC had complied with the requirements from the application.

The Redevelopment Director recommended that SVT, LLC be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area.

Councilor Kuiper moved, seconded by Councilor Vassar that SVT, LLC be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

11. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Druktenis Realty, LP dba CIRCLE GMC/BUICK, 2440-45th Avenue, Highland.** *At its meeting of July 19, 2010, the Highland Town Council approved this application for property tax abatement upon the increase in assessed value in consequence of conversion of existing building Circle GMC/Buick, 2404 45th Avenue, Highland, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq.,*

and terms of the approving resolution. This represents the second review of compliance for this property. The Town Council conducted its first review at its meeting of April 13, 2015. The Town Council found the applicant in compliance at that meeting.

The Redevelopment Director recommended that Circle GMC/BUICK be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area.

Councilor Vassar moved, seconded by Councilor Kuiper that Circle GMC/BUICK be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

12. **Consideration of the Compliance with the Statement of Benefits as filed and represented by Demand Real Results, LLC, dba SAFETY TRAINING SERVICES, INC., 8516 Henry Street, Highland.** *At its meeting of September 8, 2014, the Highland Town Council approved this application for property tax abatement upon the increase in assessed value in consequence of conversion of existing vacant building located at 8516 Henry Street, Highland, for a period of time not to exceed ten (10) calendar years, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and terms of the approving resolution. This represents the FIRST review of compliance for this property.*

Mark Fleishman representing Safety Training Services, Inc., was present. He summarized the compliance statistics indicating that Safety Training Services, Inc., had complied with the requirements from the application.

The Redevelopment Director recommended that Safety Training Services, Inc., be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area.

Councilor Kuiper moved, seconded by Councilor Vassar that Safety Training Services, Inc., be found in compliance with its Statement of Benefits and be permitted to continue the deduction period provided by the Economic Revitalization Area and the Economic Development Target Area. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The continuation of the deduction period was approved.

With leave from the Town Council, Mr. Fleishman reported briefly on the growth of training and students experienced by his company. He expressed a high degree of satisfaction with his location and the businesses operations.

NEW BUSINESS

With leave from the Town Council, the Town Attorney reported on the recent successful defeat of a lawsuit challenging the action of the Town Council in denying a Use Variance requested by Cathy Warquier that had been favorably recommended by the Advisory Board of Zoning Appeals. In the cause of action, *Cathy Warquier versus Herak et Alia*, the Court denied all of Ms. Warquier's requests for relief she sought as plaintiff. The Council President commended the Town Attorney.

Comments or Remarks from the Town Council:

(For the Good of the Order)

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak congratulated the Police Chief on his birthday. He also commended the IT Contractual Consultant belatedly on his birthday.

Councilor Herak acknowledged the Public Works Director, who reported on the status of projects by the Board of Sanitary Commissioners and the Kennedy Avenue Watermain Replacement and Improvement Project, under the aegis of the Board of Waterworks Directors.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the IT Consultant (Contractual), who reported his on his tasks related to data issues.

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported that the Park and Recreation Board had begun work on its next four-year capital plan.

- **Councilor Steve Wagner:** *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner was absent.

- **Councilor Konnie Kuiper:** *Town Board of Metropolitan Police Commissioners, Liaison. • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief, who reported that the recently purchased Fire Rescue Truck was being fitted for its use by the department.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged the Building Commissioner, who offered a cursory report on the Plan Commission petitions.

The Town Council President acknowledged the Redevelopment Director who thanked the Town Council for its actions related to the several businesses seeking continuation of the deduction permitted under the Economic Revitalization Area. She further noted reported on the status of the Main Street Bureau's project to select a Highland Poet Laureate.

Comments from Visitors or Residents:

1. Rick Volbrecht, 9221 Parkway Drive, Highland, referenced the daily program broadcast on WJOB Radio from 4:00 p.m. to 6:00 p.m., noting that the program often is a forum for criticism regarding the Town Theatre Redevelopment Project. Mr. Volbrecht opined that the Redevelopment Director should consider offering an alternative point or view answering the criticism of the program, by either agreeing to appear on the program or using the monthly newsletter, the Gazebo Express.
2. Terry Fuqua, 3042 LaPorte, Highland, expressed is unhappiness with delay in Redevelopment Commission minutes being posted to the Town's Website, which he suggested had not been updated since October 2015. *(It was later determined that the website was current through December 2015.)*

Mr. Fuqua also expressed his unhappiness that he could not obtain meeting minutes on the website of the Board of Directors of the Town Theatre.

3. Tom Black, 3515 Garfield, Highland, indicated that he had a request pending regarding a report on the total costs associated with the Town Theatre Project.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period January 26, 2016 through February 08, 2016. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket was allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$419,232.20; Motor Vehicle Highway and Street (MVH) Fund, \$58,481.15; Local Road and Street Fund, \$875.50; Law Enforcement Continuing Education, Training and Supply Fund, \$585.62; Corporation Bond and Interest Exempt Fund, \$57,021.06; Corporation Bond and Interest Fund, \$790,625.00; Insurance Premium Fund, \$394,334.41; Information and Communications Technology Fund, \$5,532.37; Police Pension Fund, \$225.00; Cumulative Capital Development Fund, \$5,685.85; Traffic Violations and Law Enforcement Agency Fund, \$7,459.50; Municipal Cumulative Street Fund, \$162.50; Public Safety Income Tax Fund, \$2,914.78; Total: \$1,743,164.94.

Adjournment of Plenary Meeting. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, February 08, 2016 was adjourned at 8:05 O'clock p.m. There was no study session following this meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer